

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1195

**Introduced by Assembly Member Eggman
(Principal coauthor: Assembly Member Garcia)
(Coauthors: Assembly Members Bonilla and Rendon)
(Coauthor: Senator Lara)**

February 22, 2013

An act to amend Section 6254 of the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

AB 1195, as amended, Eggman. Public records: crime victims.

The California Public Records Act requires state and local agencies to make public records available for inspection, subject to certain conditions. The act specifically requires state and local law enforcement agencies to disclose certain information regarding an incident to a victim, or the victim's authorized representative, unless certain conditions exist.

This bill would prohibit a state or local law enforcement agency from requiring a victim of an incident, or the victim's authorized representative, to show proof of the victim's legal presence in this country in order to obtain the information required to be disclosed by that law enforcement agency, as specified. *For identification purposes, the bill would authorize a state or local law enforcement agency to accept various forms of identification in order for a victim of an incident, or the victim's authorized representative, to obtain that information.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6254 of the Government Code is amended
2 to read:

3 6254. Except as provided in Sections 6254.7 and 6254.13,
4 nothing in this chapter shall be construed to require disclosure of
5 records that are any of the following:

6 (a) Preliminary drafts, notes, or interagency or intra-agency
7 memoranda that are not retained by the public agency in the
8 ordinary course of business, if the public interest in withholding
9 those records clearly outweighs the public interest in disclosure.

10 (b) Records pertaining to pending litigation to which the public
11 agency is a party, or to claims made pursuant to Division 3.6
12 (commencing with Section 810), until the pending litigation or
13 claim has been finally adjudicated or otherwise settled.

14 (c) Personnel, medical, or similar files, the disclosure of which
15 would constitute an unwarranted invasion of personal privacy.

16 (d) Contained in or related to any of the following:

17 (1) Applications filed with any state agency responsible for the
18 regulation or supervision of the issuance of securities or of financial
19 institutions, including, but not limited to, banks, savings and loan
20 associations, industrial loan companies, credit unions, and
21 insurance companies.

22 (2) Examination, operating, or condition reports prepared by,
23 on behalf of, or for the use of, any state agency referred to in
24 paragraph (1).

25 (3) Preliminary drafts, notes, or interagency or intra-agency
26 communications prepared by, on behalf of, or for the use of, any
27 state agency referred to in paragraph (1).

28 (4) Information received in confidence by any state agency
29 referred to in paragraph (1).

30 (e) Geological and geophysical data, plant production data, and
31 similar information relating to utility systems development, or
32 market or crop reports, that are obtained in confidence from any
33 person.

34 (f) Records of complaints to, or investigations conducted by,
35 or records of intelligence information or security procedures of,
36 the office of the Attorney General and the Department of Justice,
37 the Office of Emergency Services, and any state or local police
38 agency, or any investigatory or security files compiled by any other

1 state or local police agency, or any investigatory or security files
2 compiled by any other state or local agency for correctional, law
3 enforcement, or licensing purposes. However, state and local law
4 enforcement agencies shall disclose the names and addresses of
5 persons involved in, or witnesses other than confidential informants
6 to, the incident, the description of any property involved, the date,
7 time, and location of the incident, all diagrams, statements of the
8 parties involved in the incident, the statements of all witnesses,
9 other than confidential informants, to the victims of an incident,
10 or an authorized representative thereof, an insurance carrier against
11 which a claim has been or might be made, and any person suffering
12 bodily injury or property damage or loss, as the result of the
13 incident caused by arson, burglary, fire, explosion, larceny,
14 robbery, carjacking, vandalism, vehicle theft, or a crime as defined
15 by subdivision (b) of Section 13951, unless the disclosure would
16 endanger the safety of a witness or other person involved in the
17 investigation, or unless disclosure would endanger the successful
18 completion of the investigation or a related investigation. However,
19 nothing in this division shall require the disclosure of that portion
20 of those investigative files that reflects the analysis or conclusions
21 of the investigating officer. A state or local law enforcement agency
22 shall not require a victim of an incident, or an authorized
23 representative thereof, to show proof of the victim's legal presence
24 in the United States of America in order to obtain the information
25 required to be disclosed by that law enforcement agency pursuant
26 to this subdivision. *However, if, for identification purposes, a state
27 or local law enforcement agency requires identification in order
28 for a victim of an incident, or an authorized representative thereof,
29 to obtain that information, the agency may accept the following
30 forms of identification, including, but not limited to, a valid
31 California driver's license or state identification card, a valid
32 passport issued by the United States or by a foreign government
33 with whom the United States has a diplomatic relationship, or a
34 Matricula Consular card.*

35 Customer lists provided to a state or local police agency by an
36 alarm or security company at the request of the agency shall be
37 construed to be records subject to this subdivision.

38 Notwithstanding any other provision of this subdivision, state
39 and local law enforcement agencies shall make public the following
40 information, except to the extent that disclosure of a particular

1 item of information would endanger the safety of a person involved
2 in an investigation or would endanger the successful completion
3 of the investigation or a related investigation:

4 (1) The full name and occupation of every individual arrested
5 by the agency, the individual's physical description including date
6 of birth, color of eyes and hair, sex, height and weight, the time
7 and date of arrest, the time and date of booking, the location of
8 the arrest, the factual circumstances surrounding the arrest, the
9 amount of bail set, the time and manner of release or the location
10 where the individual is currently being held, and all charges the
11 individual is being held upon, including any outstanding warrants
12 from other jurisdictions and parole or probation holds.

13 (2) Subject to the restrictions imposed by Section 841.5 of the
14 Penal Code, the time, substance, and location of all complaints or
15 requests for assistance received by the agency and the time and
16 nature of the response thereto, including, to the extent the
17 information regarding crimes alleged or committed or any other
18 incident investigated is recorded, the time, date, and location of
19 occurrence, the time and date of the report, the name and age of
20 the victim, the factual circumstances surrounding the crime or
21 incident, and a general description of any injuries, property, or
22 weapons involved. The name of a victim of any crime defined by
23 Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a,
24 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285,
25 286, 288, 288a, 288.2, 288.3 (as added by Chapter 337 of the
26 Statutes of 2006), 288.3 (as added by Section 6 of Proposition 83
27 of the November 7, 2006, statewide general election), 288.5, 288.7,
28 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code may
29 be withheld at the victim's request, or at the request of the victim's
30 parent or guardian if the victim is a minor. When a person is the
31 victim of more than one crime, information disclosing that the
32 person is a victim of a crime defined in any of the sections of the
33 Penal Code set forth in this subdivision may be deleted at the
34 request of the victim, or the victim's parent or guardian if the
35 victim is a minor, in making the report of the crime, or of any
36 crime or incident accompanying the crime, available to the public
37 in compliance with the requirements of this paragraph.

38 (3) Subject to the restrictions of Section 841.5 of the Penal Code
39 and this subdivision, the current address of every individual
40 arrested by the agency and the current address of the victim of a

1 crime, where the requester declares under penalty of perjury that
2 the request is made for a scholarly, journalistic, political, or
3 governmental purpose, or that the request is made for investigation
4 purposes by a licensed private investigator as described in Chapter
5 11.3 (commencing with Section 7512) of Division 3 of the Business
6 and Professions Code. However, the address of the victim of any
7 crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1,
8 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a,
9 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3 (as added by
10 Chapter 337 of the Statutes of 2006), 288.3 (as added by Section
11 6 of Proposition 83 of the November 7, 2006, statewide general
12 election), 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6
13 of the Penal Code shall remain confidential. Address information
14 obtained pursuant to this paragraph may not be used directly or
15 indirectly, or furnished to another, to sell a product or service to
16 any individual or group of individuals, and the requester shall
17 execute a declaration to that effect under penalty of perjury.
18 Nothing in this paragraph shall be construed to prohibit or limit a
19 scholarly, journalistic, political, or government use of address
20 information obtained pursuant to this paragraph.

21 (g) Test questions, scoring keys, and other examination data
22 used to administer a licensing examination, examination for
23 employment, or academic examination, except as provided for in
24 Chapter 3 (commencing with Section 99150) of Part 65 of Division
25 14 of Title 3 of the Education Code.

26 (h) The contents of real estate appraisals or engineering or
27 feasibility estimates and evaluations made for or by the state or
28 local agency relative to the acquisition of property, or to
29 prospective public supply and construction contracts, until all of
30 the property has been acquired or all of the contract agreement
31 obtained. However, the law of eminent domain shall not be affected
32 by this provision.

33 (i) Information required from any taxpayer in connection with
34 the collection of local taxes that is received in confidence and the
35 disclosure of the information to other persons would result in unfair
36 competitive disadvantage to the person supplying the information.

37 (j) Library circulation records kept for the purpose of identifying
38 the borrower of items available in libraries, and library and museum
39 materials made or acquired and presented solely for reference or

1 exhibition purposes. The exemption in this subdivision shall not
2 apply to records of fines imposed on the borrowers.

3 (k) Records, the disclosure of which is exempted or prohibited
4 pursuant to federal or state law, including, but not limited to,
5 provisions of the Evidence Code relating to privilege.

6 (l) Correspondence of and to the Governor or employees of the
7 Governor's office or in the custody of or maintained by the
8 Governor's Legal Affairs Secretary. However, public records shall
9 not be transferred to the custody of the Governor's Legal Affairs
10 Secretary to evade the disclosure provisions of this chapter.

11 (m) In the custody of or maintained by the Legislative Counsel,
12 except those records in the public database maintained by the
13 Legislative Counsel that are described in Section 10248.

14 (n) Statements of personal worth or personal financial data
15 required by a licensing agency and filed by an applicant with the
16 licensing agency to establish his or her personal qualification for
17 the license, certificate, or permit applied for.

18 (o) Financial data contained in applications for financing under
19 Division 27 (commencing with Section 44500) of the Health and
20 Safety Code, where an authorized officer of the California Pollution
21 Control Financing Authority determines that disclosure of the
22 financial data would be competitively injurious to the applicant
23 and the data is required in order to obtain guarantees from the
24 United States Small Business Administration. The California
25 Pollution Control Financing Authority shall adopt rules for review
26 of individual requests for confidentiality under this section and for
27 making available to the public those portions of an application that
28 are subject to disclosure under this chapter.

29 (p) Records of state agencies related to activities governed by
30 Chapter 10.3 (commencing with Section 3512), Chapter 10.5
31 (commencing with Section 3525), and Chapter 12 (commencing
32 with Section 3560) of Division 4, that reveal a state agency's
33 deliberative processes, impressions, evaluations, opinions,
34 recommendations, meeting minutes, research, work products,
35 theories, or strategy, or that provide instruction, advice, or training
36 to employees who do not have full collective bargaining and
37 representation rights under these chapters. Nothing in this
38 subdivision shall be construed to limit the disclosure duties of a
39 state agency with respect to any other records relating to the

1 activities governed by the employee relations acts referred to in
2 this subdivision.

3 (q) (1) Records of state agencies related to activities governed
4 by Article 2.6 (commencing with Section 14081), Article 2.8
5 (commencing with Section 14087.5), and Article 2.91
6 (commencing with Section 14089) of Chapter 7 of Part 3 of
7 Division 9 of the Welfare and Institutions Code, that reveal the
8 special negotiator's deliberative processes, discussions,
9 communications, or any other portion of the negotiations with
10 providers of health care services, impressions, opinions,
11 recommendations, meeting minutes, research, work product,
12 theories, or strategy, or that provide instruction, advice, or training
13 to employees.

14 (2) Except for the portion of a contract containing the rates of
15 payment, contracts for inpatient services entered into pursuant to
16 these articles, on or after April 1, 1984, shall be open to inspection
17 one year after they are fully executed. If a contract for inpatient
18 services that is entered into prior to April 1, 1984, is amended on
19 or after April 1, 1984, the amendment, except for any portion
20 containing the rates of payment, shall be open to inspection one
21 year after it is fully executed. If the California Medical Assistance
22 Commission enters into contracts with health care providers for
23 other than inpatient hospital services, those contracts shall be open
24 to inspection one year after they are fully executed.

25 (3) Three years after a contract or amendment is open to
26 inspection under this subdivision, the portion of the contract or
27 amendment containing the rates of payment shall be open to
28 inspection.

29 (4) Notwithstanding any other law, the entire contract or
30 amendment shall be open to inspection by the Joint Legislative
31 Audit Committee and the Legislative Analyst's Office. The
32 committee and that office shall maintain the confidentiality of the
33 contracts and amendments until the time a contract or amendment
34 is fully open to inspection by the public.

35 (r) Records of Native American graves, cemeteries, and sacred
36 places and records of Native American places, features, and objects
37 described in Sections 5097.9 and 5097.993 of the Public Resources
38 Code maintained by, or in the possession of, the Native American
39 Heritage Commission, another state agency, or a local agency.

1 (s) A final accreditation report of the Joint Commission on
2 Accreditation of Hospitals that has been transmitted to the State
3 Department of Health Care Services pursuant to subdivision (b)
4 of Section 1282 of the Health and Safety Code.

5 (t) Records of a local hospital district, formed pursuant to
6 Division 23 (commencing with Section 32000) of the Health and
7 Safety Code, or the records of a municipal hospital, formed
8 pursuant to Article 7 (commencing with Section 37600) or Article
9 8 (commencing with Section 37650) of Chapter 5 of Part 2 of
10 Division 3 of Title 4 of this code, that relate to any contract with
11 an insurer or nonprofit hospital service plan for inpatient or
12 outpatient services for alternative rates pursuant to Section 10133
13 of the Insurance Code. However, the record shall be open to
14 inspection within one year after the contract is fully executed.

15 (u) (1) Information contained in applications for licenses to
16 carry firearms issued pursuant to Section 26150, 26155, 26170,
17 or 26215 of the Penal Code by the sheriff of a county or the chief
18 or other head of a municipal police department that indicates when
19 or where the applicant is vulnerable to attack or that concerns the
20 applicant's medical or psychological history or that of members
21 of his or her family.

22 (2) The home address and telephone number of prosecutors,
23 public defenders, peace officers, judges, court commissioners, and
24 magistrates that are set forth in applications for licenses to carry
25 firearms issued pursuant to Section 26150, 26155, 26170, or 26215
26 of the Penal Code by the sheriff of a county or the chief or other
27 head of a municipal police department.

28 (3) The home address and telephone number of prosecutors,
29 public defenders, peace officers, judges, court commissioners, and
30 magistrates that are set forth in licenses to carry firearms issued
31 pursuant to Section 26150, 26155, 26170, or 26215 of the Penal
32 Code by the sheriff of a county or the chief or other head of a
33 municipal police department.

34 (v) (1) Records of the Managed Risk Medical Insurance Board
35 related to activities governed by Part 6.3 (commencing with Section
36 12695), Part 6.5 (commencing with Section 12700), Part 6.6
37 (commencing with Section 12739.5), and Part 6.7 (commencing
38 with Section 12739.70) of Division 2 of the Insurance Code, and
39 that reveal any of the following:

1 (A) The deliberative processes, discussions, communications,
2 or any other portion of the negotiations with entities contracting
3 or seeking to contract with the board, entities with which the board
4 is considering a contract, or entities with which the board is
5 considering or enters into any other arrangement under which the
6 board provides, receives, or arranges services or reimbursement.

7 (B) The impressions, opinions, recommendations, meeting
8 minutes, research, work product, theories, or strategy of the board
9 or its staff, or records that provide instructions, advice, or training
10 to employees.

11 (2) (A) Except for the portion of a contract that contains the
12 rates of payment, contracts entered into pursuant to Part 6.3
13 (commencing with Section 12695), Part 6.5 (commencing with
14 Section 12700), Part 6.6 (commencing with Section 12739.5), or
15 Part 6.7 (commencing with Section 12739.70) of Division 2 of the
16 Insurance Code, on or after July 1, 1991, shall be open to inspection
17 one year after their effective dates.

18 (B) If a contract that is entered into prior to July 1, 1991, is
19 amended on or after July 1, 1991, the amendment, except for any
20 portion containing the rates of payment, shall be open to inspection
21 one year after the effective date of the amendment.

22 (3) Three years after a contract or amendment is open to
23 inspection pursuant to this subdivision, the portion of the contract
24 or amendment containing the rates of payment shall be open to
25 inspection.

26 (4) Notwithstanding any other law, the entire contract or
27 amendments to a contract shall be open to inspection by the Joint
28 Legislative Audit Committee. The committee shall maintain the
29 confidentiality of the contracts and amendments thereto, until the
30 contracts or amendments to the contracts are open to inspection
31 pursuant to paragraph (3).

32 (w) (1) Records of the Managed Risk Medical Insurance Board
33 related to activities governed by Chapter 8 (commencing with
34 Section 10700) of Part 2 of Division 2 of the Insurance Code, and
35 that reveal the deliberative processes, discussions, communications,
36 or any other portion of the negotiations with health plans, or the
37 impressions, opinions, recommendations, meeting minutes,
38 research, work product, theories, or strategy of the board or its
39 staff, or records that provide instructions, advice, or training to
40 employees.

1 (2) Except for the portion of a contract that contains the rates
 2 of payment, contracts for health coverage entered into pursuant to
 3 Chapter 8 (commencing with Section 10700) of Part 2 of Division
 4 2 of the Insurance Code, on or after January 1, 1993, shall be open
 5 to inspection one year after they have been fully executed.

6 (3) Notwithstanding any other law, the entire contract or
 7 amendments to a contract shall be open to inspection by the Joint
 8 Legislative Audit Committee. The committee shall maintain the
 9 confidentiality of the contracts and amendments thereto, until the
 10 contracts or amendments to the contracts are open to inspection
 11 pursuant to paragraph (2).

12 (x) Financial data contained in applications for registration, or
 13 registration renewal, as a service contractor filed with the Director
 14 of Consumer Affairs pursuant to Chapter 20 (commencing with
 15 Section 9800) of Division 3 of the Business and Professions Code,
 16 for the purpose of establishing the service contractor’s net worth,
 17 or financial data regarding the funded accounts held in escrow for
 18 service contracts held in force in this state by a service contractor.

19 (y) (1) Records of the Managed Risk Medical Insurance Board
 20 related to activities governed by Part 6.2 (commencing with Section
 21 12693) or Part 6.4 (commencing with Section 12699.50) of
 22 Division 2 of the Insurance Code, and that reveal any of the
 23 following:

24 (A) The deliberative processes, discussions, communications,
 25 or any other portion of the negotiations with entities contracting
 26 or seeking to contract with the board, entities with which the board
 27 is considering a contract, or entities with which the board is
 28 considering or enters into any other arrangement under which the
 29 board provides, receives, or arranges services or reimbursement.

30 (B) The impressions, opinions, recommendations, meeting
 31 minutes, research, work product, theories, or strategy of the board
 32 or its staff, or records that provide instructions, advice, or training
 33 to employees.

34 (2) (A) Except for the portion of a contract that contains the
 35 rates of payment, contracts entered into pursuant to Part 6.2
 36 (commencing with Section 12693) or Part 6.4 (commencing with
 37 Section 12699.50) of Division 2 of the Insurance Code, on or after
 38 January 1, 1998, shall be open to inspection one year after their
 39 effective dates.

1 (B) If a contract entered into pursuant to Part 6.2 (commencing
2 with Section 12693) or Part 6.4 (commencing with Section
3 12699.50) of Division 2 of the Insurance Code is amended, the
4 amendment shall be open to inspection one year after the effective
5 date of the amendment.

6 (3) Three years after a contract or amendment is open to
7 inspection pursuant to this subdivision, the portion of the contract
8 or amendment containing the rates of payment shall be open to
9 inspection.

10 (4) Notwithstanding any other law, the entire contract or
11 amendments to a contract shall be open to inspection by the Joint
12 Legislative Audit Committee. The committee shall maintain the
13 confidentiality of the contracts and amendments thereto until the
14 contract or amendments to a contract are open to inspection
15 pursuant to paragraph (2) or (3).

16 (5) The exemption from disclosure provided pursuant to this
17 subdivision for the contracts, deliberative processes, discussions,
18 communications, negotiations, impressions, opinions,
19 recommendations, meeting minutes, research, work product,
20 theories, or strategy of the board or its staff shall also apply to the
21 contracts, deliberative processes, discussions, communications,
22 negotiations, impressions, opinions, recommendations, meeting
23 minutes, research, work product, theories, or strategy of applicants
24 pursuant to Part 6.4 (commencing with Section 12699.50) of
25 Division 2 of the Insurance Code.

26 (z) Records obtained pursuant to paragraph (2) of subdivision
27 (f) of Section 2891.1 of the Public Utilities Code.

28 (aa) A document prepared by or for a state or local agency that
29 assesses its vulnerability to terrorist attack or other criminal acts
30 intended to disrupt the public agency's operations and that is for
31 distribution or consideration in a closed session.

32 (ab) Critical infrastructure information, as defined in Section
33 131(3) of Title 6 of the United States Code, that is voluntarily
34 submitted to the Office of Emergency Services for use by that
35 office, including the identity of the person who or entity that
36 voluntarily submitted the information. As used in this subdivision,
37 "voluntarily submitted" means submitted in the absence of the
38 office exercising any legal authority to compel access to or
39 submission of critical infrastructure information. This subdivision

1 shall not affect the status of information in the possession of any
2 other state or local governmental agency.

3 (ac) All information provided to the Secretary of State by a
4 person for the purpose of registration in the Advance Health Care
5 Directive Registry, except that those records shall be released at
6 the request of a health care provider, a public guardian, or the
7 registrant’s legal representative.

8 (ad) The following records of the State Compensation Insurance
9 Fund:

10 (1) Records related to claims pursuant to Chapter 1
11 (commencing with Section 3200) of Division 4 of the Labor Code,
12 to the extent that confidential medical information or other
13 individually identifiable information would be disclosed.

14 (2) Records related to the discussions, communications, or any
15 other portion of the negotiations with entities contracting or seeking
16 to contract with the fund, and any related deliberations.

17 (3) Records related to the impressions, opinions,
18 recommendations, meeting minutes of meetings or sessions that
19 are lawfully closed to the public, research, work product, theories,
20 or strategy of the fund or its staff, on the development of rates,
21 contracting strategy, underwriting, or competitive strategy pursuant
22 to the powers granted to the fund in Chapter 4 (commencing with
23 Section 11770) of Part 3 of Division 2 of the Insurance Code.

24 (4) Records obtained to provide workers’ compensation
25 insurance under Chapter 4 (commencing with Section 11770) of
26 Part 3 of Division 2 of the Insurance Code, including, but not
27 limited to, any medical claims information, policyholder
28 information provided that nothing in this paragraph shall be
29 interpreted to prevent an insurance agent or broker from obtaining
30 proprietary information or other information authorized by law to
31 be obtained by the agent or broker, and information on rates,
32 pricing, and claims handling received from brokers.

33 (5) (A) Records that are trade secrets pursuant to Section
34 6276.44, or Article 11 (commencing with Section 1060) of Chapter
35 4 of Division 8 of the Evidence Code, including without limitation,
36 instructions, advice, or training provided by the State Compensation
37 Insurance Fund to its board members, officers, and employees
38 regarding the fund’s special investigation unit, internal audit unit,
39 and informational security, marketing, rating, pricing, underwriting,
40 claims handling, audits, and collections.

1 (B) Notwithstanding subparagraph (A), the portions of records
2 containing trade secrets shall be available for review by the Joint
3 Legislative Audit Committee, the Bureau of State Audits, Division
4 of Workers' Compensation, and the Department of Insurance to
5 ensure compliance with applicable law.

6 (6) (A) Internal audits containing proprietary information and
7 the following records that are related to an internal audit:

8 (i) Personal papers and correspondence of any person providing
9 assistance to the fund when that person has requested in writing
10 that his or her papers and correspondence be kept private and
11 confidential. Those papers and correspondence shall become public
12 records if the written request is withdrawn, or upon order of the
13 fund.

14 (ii) Papers, correspondence, memoranda, or any substantive
15 information pertaining to any audit not completed or an internal
16 audit that contains proprietary information.

17 (B) Notwithstanding subparagraph (A), the portions of records
18 containing proprietary information, or any information specified
19 in subparagraph (A) shall be available for review by the Joint
20 Legislative Audit Committee, the Bureau of State Audits, Division
21 of Workers' Compensation, and the Department of Insurance to
22 ensure compliance with applicable law.

23 (7) (A) Except as provided in subparagraph (C), contracts
24 entered into pursuant to Chapter 4 (commencing with Section
25 11770) of Part 3 of Division 2 of the Insurance Code shall be open
26 to inspection one year after the contract has been fully executed.

27 (B) If a contract entered into pursuant to Chapter 4 (commencing
28 with Section 11770) of Part 3 of Division 2 of the Insurance Code
29 is amended, the amendment shall be open to inspection one year
30 after the amendment has been fully executed.

31 (C) Three years after a contract or amendment is open to
32 inspection pursuant to this subdivision, the portion of the contract
33 or amendment containing the rates of payment shall be open to
34 inspection.

35 (D) Notwithstanding any other law, the entire contract or
36 amendments to a contract shall be open to inspection by the Joint
37 Legislative Audit Committee. The committee shall maintain the
38 confidentiality of the contracts and amendments thereto until the
39 contract or amendments to a contract are open to inspection
40 pursuant to this paragraph.

1 (E) This paragraph is not intended to apply to documents related
2 to contracts with public entities that are not otherwise expressly
3 confidential as to that public entity.

4 (F) For purposes of this paragraph, “fully executed” means the
5 point in time when all of the necessary parties to the contract have
6 signed the contract.

7 This section shall not prevent any agency from opening its
8 records concerning the administration of the agency to public
9 inspection, unless disclosure is otherwise prohibited by law.

10 This section shall not prevent any health facility from disclosing
11 to a certified bargaining agent relevant financing information
12 pursuant to Section 8 of the National Labor Relations Act (29
13 U.S.C. Sec. 158).